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10/748,837	12/29/2003	Christine Baumeister	886-131us	2773

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EXAMINER
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NGUYEN, KHAI N

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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09/13/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,837	<b>Applicant(s)</b> BAUMEISTER ET AL.	
	<b>Examiner</b> KHAI N. NGUYEN	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicants' remarks filed on 07/05/2011 has been entered. No claims have been emended. Claims 3, 9-22, 26, and 31-38 have been canceled. No claims have been added. Claims 1-2, 4-8, 23-25, and 27-30 are still pending in this application, with claims 1, 23, and 24 being independent.

Note: In the remarks files on 07/05/2011, Applicants stated claims 1-8, 23-25, 27-30 are pending and hereby presented for reconsideration is incorrect because claim 3 has been canceled, and therefore, only claims 1-2, 4-8, 23-25, and 27-30 are pending in this Office action.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-2, 4, 24-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borst et al. (U.S. Pat. No. 6,366,668 hereinafter "Borst") in view of Chambers et al. (U.S. Pat. No. 7,043,006 hereinafter "Chambers").

As for claims 1 and 24, Borst teaches a call routing system for use in directory assistance, said routing system (Figs. 1-11) comprising:

a primary call routing device (Fig. 1, 103 Call Allocator, Fig. 4, 110 Non-Central/Primary Automatic Call Distribution (ACD)) at a first call center (Fig. 9, 110 Non-Central/Primary ACD, 900 Sub-network/Sub-system) in the directory assistance system configured to receive directory assistance calls from callers and to determine using a first call distribution process/call distribution logic (Fig. 1, 103 Call Allocator, 102, Alternate Destination Call Redirection (ADCR), Fig. 2, Fig. 3, step 300 ACD Call Arrives, step 302 Route call to Destination ACD System, column 3 lines 37-39), for each of said calls, whether said calls will be handled by said first call center (Fig. 9, 102 ADCR, 900 Sub-networks/Sub-systems), or by a second call center (Fig. 9, 102 ADCR, 901 Sub-networks/Sub-systems) in said directory assistance system among a plurality of call centers (Fig. 9, 900-901 Sub-networks/Sub-systems) (Fig. 1, 110 Non-Central/Primary ACD, Fig. 2, column 3 lines 1-11, lines 17-20, i.e., routes calls of each call type to each ACD systems, and lines 27-28, i.e., non-central or primary ACD 110, Fig. 4, Fig. 9, column 4, lines 29-45, i.e., a plurality of sub-networks/sub-systems each with its own ACD systems, wherein a sub-network/sub-system reads on a call center and an ACD reads on a call routing device/router);

a secondary router (Fig. 1, Fig. 4, 111 Central/Backup ACD) at said first call center (Fig. 9, 111 Central/Backup ACD, 900 Sub-network/Sub-system) in said directory assistance system, said secondary router (Fig. 1, Fig. 4, 111 Central/Backup ACD) configured to initially route said calls within said first call center to said primary call routing device (Fig. 4, 110 Non-Central/Primary ACD) and among said first call center

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and said plurality of call centers (Fig. 9, 900-901 Sub-networks/Sub-systems) in said directory assistance systems (Fig. 1, Figs. 3-4, Fig. 9, column 3, lines 12-57).

Borst teaches all calls type to the primary router wherein the primary router using a first call distribution process to determine the calls will be handled among the plurality of ACD systems (Figs. 1-11, column 1 lines 53--56) and an individual ACD employs a second default call distribution process to determine that it can handle the calls or an alternate destination ACD can handle the call (Figs.1-11, column 1 lines 56-67). Borst further teaches wherein if said primary call routing device is busy (Fig. 3, step 308 Return "Busy" to Routing Node), said secondary call router (Fig. 1, Fig. 4, 111 Central/Backup ACD) employs a second default call distribution process to route said calls (Fig. 1, Figs. 3-4, Fig. 9, column 3, lines 12-57), and a secondary ACD system check whether the primary ACD system is presenting a "busy" indication to arriving calls, and use this as the criterion for determining to route the calls (Figs.1-11, column 4 line 65 through column 5 line 3, wherein "busy" indication reads on "off-line").

However, Borst does not explicitly disclose in detail that the primary router and the secondary router are located at the first call center, although Borst discloses in Figure 9 a sub-network with its own primary ACD and secondary ACD (Fig.9, column 4 lines 29-40) wherein the sub-network reads on the first call center, in addition, the feature that a primary router and a secondary router located at a single center is old and well known in the art as described below in two of many class 379/370 references. Eng et al. (U.S. Patent No. 6,195,359) teach a single center with a primary router (See Eng –

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Fig.1, 1 Remote Access Server System, 2 Primary Router) and a secondary router (See Eng - Fig.1, 1, 5 Secondary Router) wherein incoming calls are directed at the primary router, but are routed through the secondary router (See Eng - Fig.1, Abstract, column 3 lines 25-27, and column 13 lines 30-32).

In the same field of communications technology, Chambers teaches an enterprise call center that using a primary router (See Chambers – Fig.1, Fig.2, 200 Enterprise Call Center, 210 Primary main Control Unit (“MCU A”)) and a secondary router (See Chambers – Fig.1, Fig.2, 200, 212 Secondary main Control Unit (“MCU B”)), and MCU A 210 and MCU B 212 are configured to perform call and control processing functions to form a redundant pair providing the enterprise call center 200 with disaster tolerance when either MCU A 210 or MCU B 212 fails “off-line” (See Chambers – Figs.1-2, column 9 lines 43-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Borst by providing the above described feature such as an enterprise call center that using a primary router and a secondary router, as taught by Chambers. The combination of the disclosures taken as a whole suggests that users would have benefited from detail techniques for providing the call distribution processes within a call center with a primary router/ACD and a secondary router/ACD.

Regarding claims 2 and 25, Borst teaches a method and a call routing system, wherein said secondary router is configured to determine the online/off-line status of

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said primary call routing device (Figs. 1-11, column 3, lines 46-55, i.e., a rejection signal (e.g., a "busy" signal) triggers the Alternate Destination Call Redirection (ADCR) feature).

Regarding claims 4 and 27-29, Borst teaches a transfer router (Fig. 1, Fig. 9, 102 ADCR, 900-901 Sub-networks/Sub-systems), said transfer router configured to transfer calls between said first call center (Fig. 1, Fig. 9, 900) and a second call center (Fig. 1, Fig. 9, 901) in said directory assistance system via a Wide Area Network (WAN), the Internet, and/or a packet switched network (Fig. 1, Fig. 9, 100 PSTN, column 2, lines 54-60, i.e., interconnected (networked) via the public switched telephone network (PSTN), the Internet, or some other communications network, and column 4, lines 29-40).

4. Claims 5-8, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borst in view of Chambers, in view of Shtivelman (U.S. Publication No. 2002/0054670 A1), and further in view of Foladare et al. (U.S. Patent Number 5,978,671 hereinafter "Foladare").

As for claim 23, Borst and Chamber disclose everything claimed as applied above (see claims 1 and 24 above). Borst further teaches a frequent caller routing module (Fig. 1, 103 Call Allocator, 102, Alternate Destination Call Redirection (ADCR)), attempts to designate a desired predefined percentage of calls of the total numbers of

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calls to said directory assistance system (Figs. 1-11, Abstract, column 1 lines 53-54, and column 5 lines 25-30, i.e., distributes calls to a plurality of ACD systems on a fixed percentage). However, Borst and Chamber do not explicitly disclose a frequent caller database configured to store information corresponding to frequent callers and determining if a particular caller's information is stored in said frequent caller database wherein if said caller's information is stored in said frequent caller database, and determines if said caller is to receive priority call routing wherein said frequent caller routing module attempts to designate a desired predefined percentage of calls of the total numbers of calls to said directory assistance system as priority calls.

In the same field of communications technology, Foladare teaches a frequent caller database configured to store information corresponding to frequent callers (see Foladare – Figs. 1-2, column 2, lines 27-48). And, Shtivelman teaches the call routing system to determine if said caller is to receive priority call routing wherein said frequent caller routing module attempts to designate a desired predefined percentage of calls of the total numbers of calls to said directory assistance system as priority calls (See Shtivelman - Fig. 1, 15, 16, 19, 21, par [0038], i.e., selection of a percentage of callers for diversion, and par [0040]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Borst and Chambers by providing the above described features, as taught by Foladare and Shtivelman. The combination of the disclosures taken as a whole suggests that users would have benefited from the

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detail techniques for designating a desired predefined percentage of calls of the total numbers of calls to the frequent callers' calls as priority calls.

As for claims 5-6 and 30, Borst and Chambers disclose everything claimed as applied above (see claims 1, 4, and 24 above). Shtivelman teaches a method and a call routing system, wherein said primary call routing device routes a portion of said plurality of said incoming calls to said second call center when said first call center in said directory assistance system is experiencing high call volume and/or offline (Figs 1-2, par [0048], i.e., calls are diverted when call volume is exceeded a preset threshold "offline", and par [0050]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Borst and Chambers by providing the above described feature, as taught by Shtivelman. The combination of the disclosures taken as a whole suggests that users would have benefited from the detail technique for the calls to be routed to the second call center when the first call center is received a high number of calls or offline.

As for claims 7-8, Borst and Chambers disclose everything claimed as applied above (see claims 1 and 4 above). And, Shtivelman teaches a call routing system, further comprising an automatic call distribution call center, configured to receive a portion of said plurality of calls from said secondary router and distribute them among a plurality of operator terminals disposed within said first call center in said directory

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assistance system, and wherein said second call center in said directory assistance system further comprises a second automatic call distribution call center configured to receive a portion of said plurality of calls from said secondary router and distribute them among a plurality of operator terminals disposed within said second call center (Fig. 1, par [0050], i.e., call center 13, call center 15 and other call centers may only have a certain percentage of incoming calls).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Borst and Chambers by providing the above described feature, as taught by Shtivelman. The combination of the disclosures taken as a whole suggests that users would have benefited from the detail technique for the calls to be distributed among the operator terminals of the call centers so that the users' calls can be served effectively.

### ***Response to Arguments***

Applicants' arguments filed 07/05/2011 have been fully considered but they are not persuasive.

Regarding the rejections of independent claims 1 and 24 under 35 U.S.C § 103(a) as being unpatentable over Borst (U.S. Patent No. 6,366,668) in view of Chambers (U.S. Patent No. 7,043,006), and independent claim 23 is rejected as above, in view of Shtivelman (U.S. Publication No. 2002/0054670 A1), and further in view of Foladare (U.S. Patent No. 5,978,671), Applicants argue that “- - - Borst does not teach

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the features of the claims as being applied by the Examiner and, nor could the arrangement of Borst be modified (without impairment) to read on the present claims 1, 23 and 24. - - -, the Examiner correctly notes that Borst reference is related to call routing within a call distribution system. However, the Borst system deals with a pre-route vs. post route distribution as noted - - - ." (See Applicants' Remarks page 4 lines 1-6).

In response to Applicants' argument, the Examiner respectfully disagrees. First, as shown in the rejection above that Borst teaches all call types to the primary router wherein the primary router using a first call distribution process to determine the calls will be handled among the plurality of ACD systems (Figs. 1-11, column 1 lines 53--56) and an individual ACD employs a second default call distribution process to determine that it can handle the calls or an alternate destination ACD can handle the call (Figs. 1-11, column 1 lines 56-67). Second, as conceded by Applicants as above that Borst reference discloses the call routing within a call distribution system. And third, the feature pre-route vs. post route distribution is not even being mentioned in the claims, the features that not claimed. And thus, for the reasons set forth above, Borst reference teaches the features of the claims as being applied by the Examiner.

Applicants also argue that Borst's arrangement "- - -. This arrangement cannot be modified to place the router, routers or router logic at all in the call centers 110, 111 or 112. In fact, Borst expressly teaches away from this modification. In the background in col. 1, lines 26-38 states: "The other architecture is a "post-route" or "premises-route" architecture, - - -. This use of additional network resources to complete the call is

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undesirable. The ideal solution would be to make high-quality routing decisions without the need to use additional **network resources** for routing the call," (emphasis added).

In other words the inventors of Borst knew about implementing the call centers with routers, but expressly rejected formulating their system that way. - - -. As such, regardless of any secondary references cited by the Examiner, the Borst reference cannot be modified to have first and second call routers located at a first call center, since to do so would completely change its method of operation, which it expressly rejected in its own background section." (See Applicants' Remarks page 5 line 5 through page 6 line 13).

In response to Applicants' arguments, the Examiner respectfully disagrees for the following reasons: First, as copied above, column 1 lines 26-38 is stating that the use of additional **network resources** to complete the call is undesirable and the ideal solution would be to make high-quality routing decisions without the need to use additional **network resources**, that is, additional network resources is undesirable, nothing expressly rejected to implement the call centers with routers. Second, as shown in the previous Office action dated 03/02/2011 and in the above rejection, Borst teaches wherein if said primary call routing device is busy (Fig. 3, step 308 Return "Busy" to Routing Node), said secondary call router (Fig. 1, Fig. 4, 111 Central/Backup ACD wherein the ACD reads on the router) employs a second default call distribution process to route said calls (Fig. 1, Figs. 3-4, Fig. 9, column 3, lines 12-57), and a secondary ACD system check whether the primary ACD system is presenting a "busy" indication to arriving calls, and use this as the criterion for determining to route the calls (Figs. 1-11,

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column 4 line 65 through column 5 line 3, wherein "busy" indication reads on "off-line"). And thus, for the reasons set forth above, Borst reference is clearly can be modified to have first and second call routers located at a first call center.

Applicants further argue that Chamber reference "- - - as noted in the cited col. 9, lines 40-53, both MCUA 210 and MCUB 212 of Chambers are both located external to the packet network 230 and call centers 240 and 290 (See Figure 2) and are additionally described as simply redundant call processors, and as best understood, using identical call processing processes. - - -, even if the teachings of Borst and Chambers were combined, the resulting system would simply employ redundant components 102/103 in Borst and would not have primary call routing device at a first call center using a first call distribution process and a secondary router at the same call center in the directory assistance system configured to employ, at least in part a second default call distribution process." (See Applicants' Remarks page 7 lines 2-16).

In response to Applicants' argument, the Examiner respectfully disagrees for the following reasons: First, a careful review of Figure 2 and the cited column 9 lines 40-53 of Chamber reference has shown that Figure 2 depicted the enterprise call center 200 includes a primary MCUA 210, a secondary MCUB 212, a switching partition A 240, a switching partition B 290, all of which are coupled to a packet network 230, and therefore, Applicants appear to be misinterpreted a switching partition A 240 and a switching partition B 290 as the call centers 240 and 290 respectively. Second, since the claims do not specify any definition of the words "default call distribution process" or limitations of what and how, to one of ordinary skill in the art, it is interpreted as a

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redundant call process and they can be an identical call processing processes as in the failed primary device, and Borst teaches all calls type to the primary router wherein the primary router using a first call distribution process to determine the calls will be handled among the plurality of ACD systems (Figs. 1-11, column 1 lines 53--56) and an individual ACD employs a second default call distribution process to determine that it can handle the calls or an alternate destination ACD can handle the call (Figs.1-11, column 1 lines 56-67). And thus, for the reasons set forth above, the combination of Borst and Chamber disclose the limitations of the claims.

And therefore, for the reasons set forth above, the rejections of independent claims 1 and 24 under 35 U.S.C § 103(a) as being unpatentable over Borst in view of Chambers, and independent claim 23 is rejected as above, in view of Shtivelman, and further in view of Foladare, and their dependent claims 2, 4-8, 25, 27-30 are proper and maintainable.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday-Thursday 6:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/KHAI N NGUYEN/

Examiner, Art Unit 2614

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/Ahmad F Matar/

Supervisory Patent Examiner, Art Unit 2614